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Signature

Applicant : Hans Dehli
Application No. : 09/632,315
Filed : August 4, 2000
Title : IMPROVED MASSAGING DEVICE FOR CHAIRS

Grp./Div. : 3764
Examiner : Benjamin Kim Koo

Docket No. : 36911/SAH/H362

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
May 8, 2002

Commissioner:

In response to the Office action (restriction requirement) dated April 8, 2002, Applicant acknowledges the Examiner's requirement of restriction in the above-identified application. The Examiner has restricted the above-identified application into Invention I, claims 1-52, drawn to a massage apparatus, and Invention II, claims 53-55, drawn to a method. The Examiner has further required election between the following species of the claimed invention: Group I, drawn to Figure 1; Group II, drawn to Figure 9B; Group III, drawn to Figure 10; and Group IV, drawn to Figure 5.

Responsive to this Restriction Requirement, Applicant elects for further prosecution claims 1-14, 37-39 and 46-49, drawn to the species of Group IV illustrated in Figure 5.

Applicant respectfully traverses this restriction requirement on the grounds that the species are not patentably distinct. In particular, Applicant respectfully submits that the species identified as Group I, drawn to Figure 1, and the species identified as Group IV, drawn to Figure 5, are not patentably distinct. Applicant submits that Figure 1 and Figure 5 of the present invention illustrate substantially the same features. In fact, Figure 1 is essentially a front (left-hand side) view of the perspective, top view shown in Figure 5, with the exception that Figure 5 includes controller 102 and control module 104. Figures 1 and 5 therefore each illustrate the same features and are therefore drawn to the same species. The formal drawings for Figures 1 and 5 are attached herewith for the Examiner's benefit. The complete set of formal drawings have not yet been filed in this case.


In view of the above election, Applicant respectfully requests that claims 1-14, 37-39 and 46-49 be examined on the merits.

Applicant hereby cancels claims 15-36, 40-45 and 50-55 to expedite prosecution of this application.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Mark J. Marcelli
Reg. No. 36,593
626/795-9900

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